

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA RECOMMENDING THAT THE CITY COUNCIL RETAIN THE MASTER PLAN REQUIREMENT FOR 5,000 SQUARE FEET OF COMMERCIAL SPACE AT THE ALAMEDA LANDING WATERFRONT AND AMENDING PLANNING BOARD RESOLUTION PB-19-21 CONDITION NUMBER 4 REGARDING THE TIMING FOR THE CONSTRUCTION OF THE 5,000-SQUARE-FEET OF COMMERCIAL SPACE.

WHEREAS, an application was made by Pulte Home Company, LLC (Pulte) to amend Planning Board resolution PB-19-21 and the Bayport Alameda Landing Master Plan to remove the requirement for 5,000-square-feet of commercial space on an approximately 17.2-acre site located at 2800 Fifth Street; and

WHEREAS, the subject property is designated Specified Mixed Use on the General Plan Diagram; and

WHEREAS, the subject property is located in a M-X (Mixed-Use Planned Development) Zoning District which requires a master plan for the development; and

WHEREAS, the eastern 10-acre portion of the site is located within the MF (Multi-Family Residential Combining Zone) Overlay District; and

WHEREAS, on December 5, 2006, the City Council certified by Resolution No. 14047 the Final Supplemental Environmental Impact Report for the Alameda Landing Mixed Use Development Project ("2006 Supplemental EIR", a Supplement to the 2000 Catellus Mixed Use Development Project EIR) in accordance with the California Environmental Quality Act (CEQA) (State Clearinghouse #2006012091). The City has prepared several addenda to the 2006 SEIR in 2007, 2008, 2012 and 2017; and

WHEREAS, on January 2, 2006, the City Council adopted Ordinance 2957 for the Alameda Landing/Bayport Mixed Use Development Master Plan, and

WHEREAS, on September 5, 2017, the City Council adopted Ordinance No. 3188 amending the Alameda Landing Master Plan and approved an Addendum to the Supplemental EIR. The Master Plan Amendment establishes the requirement for 5,000 square feet of commercial space on the property; and

WHEREAS, on October 14, 2019, the Planning Board held a duly noticed public hearing on the subject property Development Plan and Density Bonus Application approved Resolution PB-19-21 approving 357 residential units and condition #4, establishing the timing requirements for the construction of the 5,000 square foot commercial space; and

WHEREAS, on December 13, 2021, the Planning Board held a duly noticed public hearing to consider the request to amend the Master Plan and the Development Plan conditions of approval to remove the 5,000 square foot commercial requirement; and examined all pertinent application materials and public testimony.

Exhibit 3
Item 7-C, December 13, 2021
Planning Board Meeting

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board is not able to make the findings necessary to recommend an amendment to the Master Plan to remove the requirement for the 5,000 square feet of commercial space; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves an amendment to Resolution PB-19-21 to reflect the current construction schedule and retain the 5,000-square-feet of commercial space requirement:

“4. Commercial Design Review and Construction Phasing: The building permit for the 5,000 square foot commercial structure with minimum ceiling heights of 12 feet adjacent to the Waterfront Park shall be issued prior to the building permit for the 330th residential unit. The design review plans for the building shall be reviewed and approved by the Planning Board prior to issuance of the 150th 200th building permit or February, 28, 2022, whichever comes first. The plans may include a freestanding 5,000 square foot commercial building or a mixed use building with 5,000 square feet of commercial space, consistent with the Master Plan, and residential units on the upper floors if the Planning Board is able to determine that the additional units are available under the 2017 Master Plan Amendment Trip Matrix. Upon review of the Design Review plans for the building, the Planning Board may also adjust the requirement for the issuance of the building permit prior to the 330th residential building permit established by this condition.”

HOLD HARMLESS. To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney’s fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning, Building & Transportation Department, Alameda City Planning Board, the City of Alameda City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.